

Attachment A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA **FILED**

SEP 30 2020

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

WAYNE THOMAS JOHNSON
DAVID LYNN TRENT HAM

Your full name

FEDERAL CIVIL RIGHTS
COMPLAINT
(BIVENS ACTION)

v.

Civil Action No.: 3:20cv189
(To be assigned by the Clerk of Court)

M. ABSHER, individually
GREGORY MIMS Both
OFFICER WILLIS, individually
OFFICER HACKNEY, individually
Enter above the full name of defendant(s) in this action

Groh
Trumble
Sims

I. JURISDICTION

This is a civil action brought pursuant to **Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)**. The Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§ 1331 and 2201.

II. PARTIES

In Item A below, place your full name, inmate number, place of detention, and complete mailing address in the space provided.

A. Name of Plaintiff: WAYNE JOHNSON Inmate No.: 34466-057
Address: P.O. Box 2000, Bruceston Mills,
WV 26525

In Item B below, place the full name of each defendant, his or her official position, place of employment, and address in the space provided.

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B. Name of Defendant: M. ABSHER
Position: OFFICER
Place of Employment: HAZELTON USP
Address: P.O. BOX 2000, BRUCETON MILLS,
WV. 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: CELL SEARCHING
and taking Plaintiff TRENTHAM'S
property - Destroying it.

B.1 Name of Defendant: GREGORY MIMS
Position: DOCTOR
Place of Employment: HAZELTON USP
Address: P.O. BOX 2000, BRUCETON MILLS,
WV. 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Not attending to
Plaintiff JOHNSON'S serious medical
needs. Committing malPRACTICE

B.2 Name of Defendant: WILLIS
Position: OFFICER
Place of Employment: HAZELTON USP
Address: P.O. BOX 2000, BRUCETON MILLS,
WV. 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

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If your answer is "YES," briefly explain: Was Very Rude
With me and Unprofessional!

B.3 Name of Defendant: HACKNEY
Position: OFFICER
Place of Employment: HAZELTON WSP
Address: P.O. BOX 2000
BRUCEYTON MILLS, WV 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Took my King
and Religious Neckless when I was
out of my cell.

B.4 Name of Defendant: _____
Position: _____
Place of Employment: _____
Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

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B.5 Name of Defendant: _____
Position: _____
Place of Employment: _____
Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

III. PLACE OF PRESENT CONFINEMENT

Name of Prison/ Institution: HAZELTON CLSP

A. Is this where the events concerning your complaint took place?
☒ Yes ☐ No

If you answered "NO," where did the events occur?

B. Is there a prisoner grievance procedure in the institution where the events occurred? ☒ Yes ☐ No

C. Did you file a grievance concerning the facts relating to this complaint in the prisoner grievance procedure?
☒ Yes ☐ No

D. If your answer is "NO," explain why not: _____

E. If your answer is "YES," identify the administrative grievance procedure number(s) in which the claims raised in this complaint were addressed

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and state the result at level one, level two, and level three. **ATTACH GRIEVANCES AND RESPONSES:**

LEVEL 1 _____

LEVEL 2 _____

LEVEL 3 _____

IV. PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDIES

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? ☐ Yes ☒ No

B. If your answer is "YES", describe each lawsuit in the space below. If there is more than one lawsuit, describe additional lawsuits using the same format on a separate piece of paper which you should attach and label: "IV PREVIOUS LAWSUITS"

1. Parties to this previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court: _____
(If federal court, name the district; if state court, name the county)

3. Case Number: _____

4. Basic Claim Made/Issues Raised: _____

5. Name of Judge(s) to whom case was assigned: _____

6. Disposition: _____
(For example, was the case dismissed? Appealed? Pending?)

7. Approximate date of filing lawsuit: _____

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8. Approximate date of disposition. Attach Copies: _____
- C. Did you seek informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part B?
☐ Yes ☐ No
- D. If your answer is "YES," briefly describe how relief was sought and the result. If your answer is "NO," explain why administrative relief was not sought.

- E. Did you exhaust available administrative remedies?
☐ Yes ☐ No
- F. If your answer is "YES," briefly explain the steps taken and attach proof of exhaustion. If your answer is "NO," briefly explain why administrative remedies were not exhausted.

- G. If you are requesting to proceed in this action *in forma pauperis* under 28 U.S.C. § 1915, list each civil action or appeal you filed in any court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using the same format on a separate sheet of paper which you should attach and label "G. PREVIOUSLY DISMISSED ACTIONS OR APPEALS"
1. Parties to previous lawsuit:

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Plaintiff(s): _____

Defendant(s): _____

2. Name and location of court and case number:

3. Grounds for dismissal: ☐ frivolous ☐ malicious
☐ failure to state a claim upon which relief may be granted

4. Approximate date of filing lawsuit: _____

5. Approximate date of disposition: _____

V. STATEMENT OF CLAIM

State here, as **BRIEFLY** as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. **You must include allegations of specific wrongful conduct as to EACH and EVERY defendant in the complaint.** Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, you must number and set forth each claim in a separate paragraph. **UNRELATED CLAIMS MUST BE RAISED IN SEPARATE COMPLAINTS WITH ADDITIONAL FILING FEES. NO MORE THAN FIVE (5) TYPED OR TEN (10) NEATLY PRINTED PAGES MAY BE ATTACHED TO THIS COMPLAINT. (LR PL 3.4.4)**

CLAIM 1: Officer Absher searched my cell on
8-4-2020 taking all personal property
this is Plaintiff TRENTHAM Reg. 47733-074

Supporting Facts: Check Institution Records

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CLAIM 2: Defendant MIMS denied and continues to deny Plaintiff JOHNSON serious medical attention.

Supporting Facts: Check Health Services Records from March 2020 to the present.

CLAIM 3: Defendant Willis was very rude to me while in quarantine. This being Plaintiff JOHNSON.

Supporting Facts: No Witness See DHO Records

CLAIM 4: Defendant Hackney took my wedding ring and Religious Neckless. This being Plaintiff JOHNSON.

Supporting Facts: No Witness

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CLAIM 5: ALL Foods are Cold on arrival and are not eatable. much of the food is thrown away.

Supporting Facts: There is bacteria and other matters in the food including open mustard. Sometimes roaches and hair.

VI. INJURY

Describe **BRIEFLY and SPECIFICALLY** how you have been injured and the exact nature of your damages.

Plaintiff JOHNSON I can't see good, I can't hear good. my back and feet hurt and I fell because medical took my walker and cane. I fell last week and got No medical attention.

VII. RELIEF

State **BRIEFLY and EXACTLY** what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

Issue an Injunction that I be removed from Hazelton out of the defendant's reach and never returned here. Plaintiff Johnson and Thentham. Also the Court see Plaintiff Johnson in person

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DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and accurate. Title 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at Hazleton USP on 9-25-20.
(Location) (Date)

Wayne Thomas Johnson
Your Signature